

MICHAEL L. WALTON
P.O. Box 5761
Playa del Rey, CA 90296
(213) 451-2281
Attorney for Defendant and Respondent

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

CHURCH OF SCIENTOLOGY)	
OF CALIFORNIA,)	
)	
Plaintiff)	
and Appellant;)	
)	
MARY SUE HUBBARD,)	Civ. No. B 025 920
)	(Superior Court No. C 420 153)
Intervenor)	
and Appellant,)	APPLICATION FOR ORDER EXTENDING
)	TIME FOR FILING RESPONDENT'S BRIEF
vs.)	
)	
GERALD ARMSTRONG)	
)	
Defendant)	
and Respondent.))	
_____)	

Respondent in the above-entitled action moves the Court for an order extending time within which to file respondent's brief.

This motion is made pursuant to California Court Rule 45.5 on the following grounds:

(a) Counsel for the appeal is new to the case. On May 1, 1990, respondent substituted Michael L. Walton as his attorney of record in the within matter.

(b) Appellants are appealing from a judgment entered on or about August 10, 1984. The notice of appeal in the above-

entitled case was filed on February 24, 1987. On or about February 28, 1990, respondent filed Respondent's Petition For Permission To File Response And For An Extension Of Time To File Response; on March 9, 1990 the court granted respondent's request and extended respondent's time for filing his response for sixty (60) days from the date of the court's order. Respondent was notified of said extension by telephone conversation with the court's clerk on March 20, 1990. Said extension will expire on May 9, 1990.

(c) Appellant filed the within appeal on or about December 29, 1989 . Approximately five and one-half (5 1/2) years passed between entry of the judgement and appellants' filing of the appellants' opening brief. It is respondent's contention that a further sixty (60) day extension will not cause any degree of prejudice to Appellants.

(d) One previous application has been granted after filing of the notice of appeal herein. This Court granted respondent's application on March 9, 1990 extending respondent's time within which to file a reply brief sixty (60) days from said date.

This motion is based on the declarations of Gerald Armstrong, Michael L. Walton and on all the pleadings, records and papers on file in this action.

Dated: May 7, 1990


Attorney for Respondent

MICHAEL L. WALTON
P.O. Box 5761
Playa del Rey, CA 90296
(213) 451-2281
Attorney for Defendant and Respondent

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

CHURCH OF SCIENTOLOGY)	
OF CALIFORNIA,)	
)	
Plaintiff)	
and Appellant;)	
)	
MARY SUE HUBBARD,)	Civ. No. B 025 920
)	(Superior Court No. C 420 153)
Intervenor)	
and Appellant,)	DECLARATION OF GERALD ARMSTRONG
)	
vs.)	
)	
GERALD ARMSTRONG)	
)	
Defendant)	
and Respondent.))	
_____)	

State of California, County of Los Angeles

I, GERALD ARMSTRONG, declare:

I am the respondent, in the above-entitled action.

This declaration is in support of the motion of respondent for an order extending time within which to file respondent's brief.

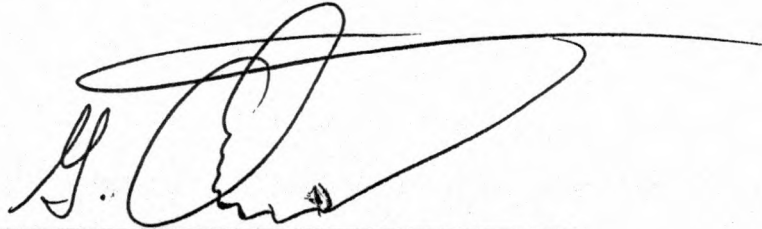
The notice of appeal in the above-entitled case was filed on February 24, 1987. On or about February 28, 1990, declarant filed Respondent's Petition For Permission To File Response And For An Extension Of Time To File Response; on March 9, 1990 the court granted declarant's request and extended declarant's time for

filing his response for sixty (60) days from the date of the court's order. Declarant was notified of said extension by telephone conversation with the court's clerk on March 20, 1990. Said extension will expire on May 9, 1990.

Declarant/respondent, In Pro Per, has proceeded with diligence in attempting to prepare a brief and to obtain an attorney to represent him or assist in the preparation of said brief. Because declarant is not an attorney nor is he formally trained in the law, he was unable to adequately prepare said brief. Because of financial limitations, declarant was not able to obtain adequate legal representation until May 1, 1990.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: May 7, 1990

A handwritten signature in black ink, appearing to read 'G. Armstrong', written over a horizontal line. The signature is stylized and somewhat cursive.

GERALD ARMSTRONG, Respondent

MICHAEL L. WALTON
P.O. BOX 5761
PLAYA DEL REY, CA 90296
(213) 451-2281
Attorney for Defendant and Respondent

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SECOND APPELLATE DISTRICT
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CHURCH OF SCIENTOLOGY)	
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Plaintiff)	
and Appellant;)	
)	
MARY SUE HUBBARD,)	Civ. No. B 025 920
)	(Superior Court No. C 420,153)
Intervenor)	
and Appellant,)	
)	DECLARATION OF MICHAEL L. WALTON
vs.)	
)	
GERALD ARMSTRONG)	
)	
Defendant)	
and Respondent.))	
_____)	

State of California, County of Los Angeles

I, Michael L. Walton, state:

I am the attorney for the respondent, in the above-entitled action.


This declaration is in support of the motion of respondent for an order extending time within which to file a respondent's brief.

Respondent's time for filing respondent's brief expires on May 9, 1990.

Declarant was substituted as attorney for respondent on May 1, 1990 and has not had sufficient time to prepare respondent's brief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: May 7, 1990


MICHAEL L. WALTON
Attorney for Respondent

1 PROOF OF SERVICE BY MAIL

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am a resident of the county aforesaid; I am over the
4 age of eighteen years and not a party to the within entitled
5 action; my business address is P.O. Box 5761, Playa del Rey,
6 California 90401.

7 On May 7, 1990, I served the within NOTICE OF
8 SUBSTITUTION OF ATTORNEY and APPLICATION FOR ORDER EXTENDING TIME
9 FOR FILING RESPONDENT'S BRIEF on the interested parties by placing
10 a true copy thereof enclosed in a sealed envelope with postage
11 thereon fully prepaid, in the United States mail at Playa del Rey,
12 California addressed as follows:

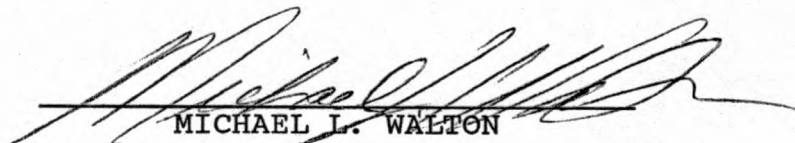
13 Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C.
14 740 Broadway, Fifth Floor
15 New York, NY 10003-9518

16 Attn: Eric Lieberman, Esq.

17 Michael Lee Hertzberg, Esq.
18 740 Broadway, Fifth Floor
19 New York, NY 10003-9518

20 Executed on May 7, 1990 at Playa del Rey, California.

21 I declare under penalty of perjury that the foregoing is
22 true and correct.

23
24
25 
MICHAEL L. WALTON

MICHAEL L. WALTON
P.O. BOX 5761
PLAYA DEL REY, CA 90296
(213) 451-2281
Attorney for Defendant and Respondent

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

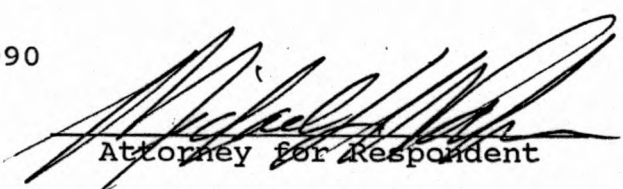
CHURCH OF SCIENTOLOGY)
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Plaintiff)
and Appellant;)
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MARY SUE HUBBARD,)
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Intervenor)
and Appellant,)
)
vs.)
)
GERALD ARMSTRONG)
)
Defendant)
and Respondent.)
_____)

Civ. No. B 025 920
(Superior Court No. C 420 153)
NOTICE OF SUBSTITUTION OF ATTORNEY

To CHURCH OF SCIENTOLOGY OF CALIFORNIA and MARY SUE HUBBARD and to
their respective attorneys of record:

NOTICE IS HEREBY GIVEN that on May 1, 1990, MICHAEL L. WALTON was
substituted as attorney for GERALD ARMSTRONG in place of GERALD
ARMSTRONG, in propria persona, pursuant to stipulation.

Dated: May 7, 1990


Attorney for Respondent

MICHAEL L. WALTON
P.O. Box 5761
Playa del Rey, CA 90296
(213) 451-2281
Attorney for Defendant and Respondent

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION THREE

CHURCH OF SCIENTOLOGY)
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Plaintiff)
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MARY SUE HUBBARD,)
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Intervenor)
and Appellant,)
)
vs.)
)
GERALD ARMSTRONG)
)
Defendant)
and Respondent.))
_____)


Civ. No. B 025 920
(Superior Court No. C 420 153)
STIPULATION FOR SUBSTITUTION
OF ATTORNEY

It is hereby stipulated by and between the undersigned that MICHAEL L. WALTON be substituted as attorney of record for the defendant and respondent, GERALD ARMSTRONG, in the matter of the within appeal in place of GERALD ARMSTRONG, In Propria Persona, to prosecute all matters therein.

It is further stipulated that MICHAEL L. WALTON is to serve and file this stipulation in the Appellate Court.

Dated: May 1, 1996


GERALD ARMSTRONG


MICHAEL L. WALTON

MICHAEL L. WALTON
P.O. BOX 5761
PLAYA DEL REY, CA 90296
(213) 451-2281
Attorney for Defendant and Respondent

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CHURCH OF SCIENTOLOGY)
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Plaintiff)
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Civ. No. B 025 920
(Superior Court No. C 420 153)
ORDER EXTENDING TIME FOR FILING
RESPONDENT'S BRIEF

GOOD CAUSE APPEARING therefor from the application of GERALD ARMSTRONG;

IT IS HEREBY ORDERED that GERALD ARMSTRONG is granted an extension of time to and including _____, 1990, to file a respondent's brief.

Dated: May 7, 1990

Presiding Justice